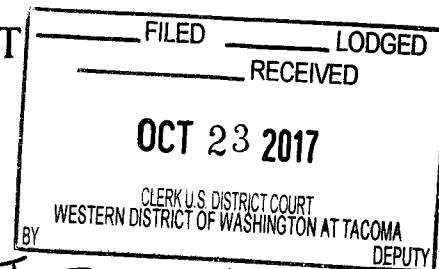


UNITED STATES DISTRICT COURT

for the

Western District of Washington



In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address)

A 1997 Dodge Caravan, more fully described in Attachment A, attached hereto.

Case No. MJ17-5185

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, which is incorporated herein by reference

located in the Western District of Washington, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, which is incorporated herein by reference

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18, U.S.C. § 2113(a)

Bank Robbery

Offense Description

The application is based on these facts:

Please see affidavit of Special Agent Isabel Scham, Federal Bureau of Investigation (FBI)

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Isabel Scham, Special Agent (FBI)

Printed name and title

Sworn to before me pursuant to CrimRule 4.1.

Date: 10/23/17

City and state: Tacoma, Washington

Judge's signature

J. Richard Creatura, United States Magistrate Judge

Printed name and title

AFFIDAVIT

STATE OF WASHINGTON)
) SS
COUNTY OF PIERCE)

I, Isabel Scharn, being first duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent ("SA") of the Federal Bureau of Investigation ("FBI") and have been so employed since August 2002. I am currently assigned to the Portland Division, Eugene Resident Agency. While employed by the FBI, I have investigated federal criminal violations related to violent crimes, crimes against children, financial crimes, as well as a number of other criminal offenses. As a federal agent, I am authorized to seek and obtain search warrants, to obtain arrest warrants, and to investigate violations of federal law. My responsibilities include the investigation of federal criminal offenses, to include Title 18, United States Code, § 2113(a) Bank Robbery.

2. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search a 1997 Dodge Caravan, bearing Oregon License Plate XGG002, VIN # 1B4GP44ROVB455157, which is currently located at Chuck's Towing, 2990 E Street, Washougal, Washington, 98671 (hereinafter "SUBJECT VEHICLE"), as described in Attachment A hereto, for evidence, contraband, fruits, and instrumentalities of violation of Title 18, United States Code, § 2113(a) Bank Robbery. As set forth below, I have probable cause to believe that such property and items, as described in Attachment B hereto, including any digital devices or electronic storage media, are currently located inside SUBJECT VEHICLE at Chuck's Towing, 2990 E Street, Washougal Washington, 98671.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other

1 law enforcement officers, interviews of witnesses, a review of records related to this
2 investigation, communications with others who have knowledge of the events and
3 circumstances described herein, and information gained through my training and experience.

4 **Applicable Law**

5 4. Title 18 U.S.C. § 2113 (a) provides that whoever, by force and violence, or by
6 intimidation, takes, or attempts to take, from the person or presence of another, or obtains or
7 attempts to obtain by extortion any property or money or any other thing of value belonging
8 to, or in the care, custody, control, management, or possession of, any bank, credit union, or
9 any savings and loan association; or whoever enters or attempts to enter any bank, credit
10 union, or any savings and loan association, or any building used in whole or in part as a
11 bank, credit union, or as a savings and loan association, with intent to commit in such bank,
12 credit union, or in such savings and loan association, or building, or part thereof, so used,
13 any felony affecting such bank, credit union, or such savings and loan association and in
14 violation of any statute of the United States, or any larceny—shall be fined under this title or
15 imprisoned not more than twenty years, or both.

16 **Statement of Probable Cause**

17 5. I have been involved and continue to be involved in an investigation of Bryon
18 Hudson for activities related to a bank robbery which occurred on August 9, 2017 at Chase
19 Bank, inside Fred Meyer, located at 650 Q Street, Springfield, Oregon. During that robbery,
20 the suspect handed the teller a note reading: "Put Half the money in The envelope and the
21 other Half on the counter No Dye No electronics! Don't want to Hurt you Just the money
22 Bother Drawers Hurry!" The teller removed the money from the drawer and provided it to
23 the suspect as demanded in the note. At the time, Chase Bank was an FDIC insured
24 corporation. Through investigation, Bryon Hudson was identified as the suspect.

25 6. On August 22, 2017, investigation and surveillance conducted by the FBI and
26 local law enforcement led to locating Hudson driving a red Dodge minivan. As law
27 enforcement attempted to make contact with him, he fled and eluded law enforcement at a
28 high speed. His vehicle was eventually stopped by law enforcement pinning in his vehicle.

1 7. The vehicle was not searched at the time of the arrest. Hudson's red van was
2 towed by Chuck's Towing's impound lot in Washougal, Washington. The vehicle was not
3 searched at that time and remained under constant surveillance until it reached the impound
4 lot, at which point it was fully sealed with evidence tape and left in a secure storage facility.
5 The vehicle has remained secured inside their garage, with evidence tape, and has not been
6 handled or altered in any way, pending authority to release.

7 8. Hudson was arrested on the outstanding Clark County Warrant on August 22,
8 2017 in Washougal, Washington. On August 25, 2017, based on the investigation as well as
9 a written confession provided by Hudson, I presented a criminal complaint and arrest warrant
10 to the Honorable Thomas M. Coffin, United States Magistrate Judge for the District of
11 Oregon, charging Hudson with a violation of Title 18, U.S.C. Section 2113(a), Bank
12 Robbery, Case No. 6:17-mj-122-JR.

13 9. After he was arrested, Hudson was transported to the local police station and
14 was interviewed by the arresting officers and FBI agents. Hudson confessed to robbing the
15 Chase Bank in Springfield, Oregon on August 9, 2017 as well as a Chase Bank in Tualatin,
16 Oregon on August 21, 2017. Hudson also told Agents that during each of the robberies he
17 had a getaway driver at each of these robberies.

18 10. Hudson stated on August 9, 2017, in preparation for the bank robbery at the
19 Springfield Chase Bank, Hudson traveled to Janet LNU's house in Salem. Janet's last name
20 is believed to be either Seabert or Orr. Janet knew Hudson was going to rob a bank and
21 helped Hudson with his make-up and gave him all of the clothes to wear for the robbery.
22 Jessica (known to law enforcement as Jessica Davis) was also with Hudson at Janet's house.
23 During the robbery in Springfield, Jessica drove Hudson to/from the Chase Bank in her
24 white Toyota Camry. Jessica was aware that Hudson was going to rob the bank and Hudson
25 gave Jessica 40% of the money from the bank robbery in Springfield.

26 11. Hudson also stated that on August 21, 2017, in preparation for the bank
27 robbery at the Tualatin Chase Bank, Brandy (known to law enforcement as Brandy Jennings)
28 helped Hudson with his make-up and clothes. Brandy knew that Hudson was going to rob

1 the bank and drove Hudson to and from the Chase Bank in Tualatin in her gold/silver Chevy.
2 Hudson gave Brandy 40% of the money from the robbery.

3 12. Hudson also told Officers that he bought the Dodge Caravan that was seized
4 during his arrest with money that he won gambling at a bar with proceeds from the bank
5 robbery in Tualatin. Hudson also stated there was still approximately \$300.00 left in the van,
6 inside of a phone case located by/under the seat. Hudson said that he spent all of the money
7 he kept from the bank robbery in Springfield.

8 13. In addition to the money from the prior bank robbery, Officer Thad Wesley
9 with the Washougal Police Department reported that, while securing Hudson's vehicle, he
10 noticed what appeared to be two cell phones inside the vehicle sitting in plain view on the
11 passenger seat. Hudson told Agents that both of the cell phones in the Dodge Caravan that
12 he was driving contain information regarding the bank robberies, including contact
13 information for Jessica, Brandy, and Janet.

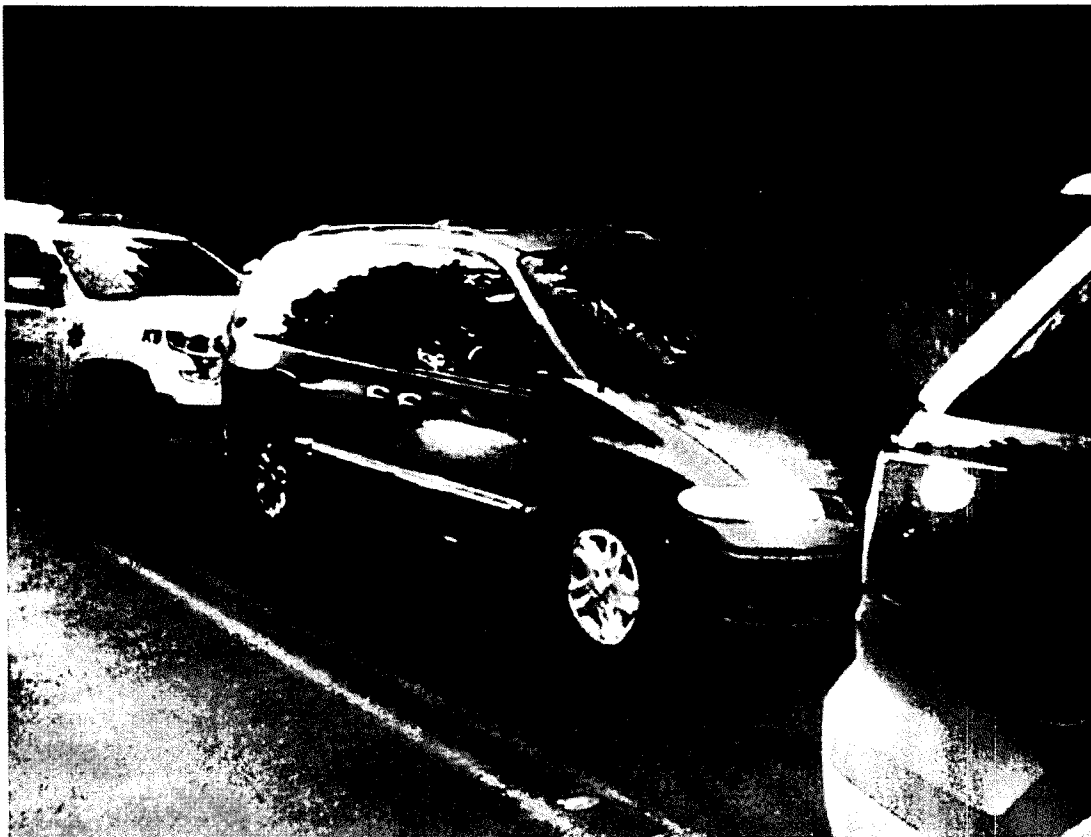
14 14. During Hudson's interview, he provided Agents with consent to review his
15 Facebook page and wrote out his username and password, which, according to Hudson,
16 contains information on his co-conspirators. Review of his Facebook page revealed that on
17 August 19, 2017, and again on August 21, 2017, Hudson identifies his current cellular
18 telephone number as 360-843-0656.

19 15. My investigation revealed that Hudson had also been associated with a
20 different cellular telephone number. Specifically, on August 17, 2017, a close family
21 member of Hudson relayed to Agents that Hudson had been using telephone number 503-
22 739-6105.

23 16. Based on my training and experience, I believe there will be evidence of the
24 bank robberies committed by Hudson in the Dodge Caravan including cash from the bank
25 robbery and two cell phones which Hudson admitted contained evidence related to the
26 robberies. In addition, there could be other evidence including receipts, clothing, and other
27 miscellaneous items that could provide additional evidence related to the robberies. I believe
28 the evidence is still there and has not been tampered with because the Washougal Police

1 Department secured the red mini-van with evidence tape prior to towing on August 22, 2017.
2 When the tow operator arrived, Ofc. Calcagno watched the driver load the Dodge Caravan
3 and followed directly behind the tow truck, with the Caravan in tow. At no point during the
4 transport did Ofc. Calcagno lose sight of the Caravan or tow truck. Ofc. Calcagno followed
5 the tow truck back to Chuck's tow yard where he observed the tow truck driver place the
6 Caravan in to their secure storage facility. Ofc. Calcagno then placed evidence tape on the
7 driver's door and watched as the tow truck operator closed the door to the storage facility.

8 17. On September 14, 2017, I spoke to Janis with Chuck's Towing in Washougal
9 Washington who confirmed that the SUBJECT VEHICLE has remained secured inside their
10 garage, with evidence tape, and has not been handled or altered in any way, pending
11 authority to release. Attached are photos of the SUBJECT VEHICLE taken by Officers
12 during the arrest of Hudson, which include an image of what appears to be two cell phones
13 located inside the vehicle on the passenger's seat, along with photos of the vehicle in its
14 current state and location, where it is pending authority to search.





Affidavit of Isabel Scharn - 6
USAO# 2017R01099

UNITED STATES ATTORNEY
700 STEWART STREET, SUITE 5200
SEATTLE, WASHINGTON 98101
(206) 553-7970



18. As described above and in Attachment B, this application seeks permission to search for evidence that might be found in the SUBJECT VEHICLE, in whatever form they are found. There is probable cause to believe, and I do believe, that records will be stored on a digital device because, based on my knowledge, training, and experience, I believe that one of the two phones pictured above is a smart phone. I therefore have probable cause to believe, and do believe, that the phones in the cars will contain records related to the bank robbery investigation, as described below.

19. Based on my training and experience, and that of those around me, I also know that those engaged in bank robberies use cellular telephones as a tool or instrumentality in committing their criminal activity, to maintain contact with their co-conspirators. They prefer cellular telephones because, first, they can be purchased without the location and personal information that land lines require. Second, they can be easily carried to permit the user maximum flexibility in meeting associates, avoiding police surveillance, and traveling to commit bank robberies. Based on my training and experience, the data maintained in a

1 cellular telephone used by a person engaged in bank robbery is evidence of a crime or
2 crimes. This includes the following:

3 a. The assigned number to the cellular telephone (known as the mobile
4 directory number or MDN), and the identifying telephone serial number (Electronic Serial
5 Number, or ESN), (Mobile Identification Number, or MIN), (International Mobile
6 Subscriber Identity, or IMSI), or (International Mobile Equipment Identity, or IMEI) are
7 important evidence because they reveal the service provider, allow us to obtain subscriber
8 information, and uniquely identify the telephone. This information can be used to obtain toll
9 records, to identify contacts by this telephone with other cellular telephones used by co-
10 conspirators, to identify other telephones used by the same subscriber or purchased as part of
11 a package, and to confirm if the telephone was contacted by a cooperating source.

12 b. The stored list of recent received, missed, and sent calls is important
13 evidence. It identifies telephones recently in contact with the telephone user. This is
14 valuable information in an investigation because it will identify telephones used by other co-
15 conspirators. If the user is under surveillance, it identifies what number he called during or
16 around the time of a drug transaction or surveilled meeting. Even if a contact involves a
17 telephone user not part of the conspiracy, the information is helpful (and thus is evidence)
18 because it leads to friends and associates of the user who can identify the user, help locate
19 the user, and provide information about the user.

20 c. Stored text messages are important evidence, similar to stored numbers.
21 Agents can identify both co-conspirators, and friends of the user who likely have helpful
22 information about the user, his location, and his activities.

23 d. Criminals increasingly use applications on smart phones that encrypt
24 communications such as WhatsApp, or applications that automatically delete messages, such
25 as Snapchat, in order to avoid law enforcement monitoring or recording of communications
26 regarding criminal activity.

27 e. Photographs on a cellular telephone are evidence because they help
28 identify the user, either through his or her own picture, or through pictures of friends, family,

1 and associates that can identify the user. Pictures also identify associates likely to be co-
2 conspirators. Also, digital photos often have embedded "geocode" or GPS information
3 embedded in them. Geocode information is typically the longitude and latitude where the
4 photo was taken. Showing where the photo was taken can have evidentiary value. This
5 location information is helpful because, for example, it can show where coconspirators meet,
6 where they travel, and where assets might be located.

7 f. Stored address records are important evidence because they show the
8 user's close associates and family members, and they contain names and nicknames
9 connected to phone numbers that can be used to identify suspects.

10 **Conclusion**

11 20. Based on the foregoing, I have probable cause to believe, and I do believe, that
12 Bryon Hudson committed Bank Robberies in violation of Title 18, United States Code, §
13 2113(a), and that evidence/fruits/instrumentalities of that offense, as described above and in
14 Attachment B, are presently located inside the SUBJECT VEHICLE, currently located at
15 Chuck's Towing, 2990 E Street, Washougal Washington, which is described above and in
16 Attachment A. I therefore request that the Court issue a warrant authorizing a search of the
17 SUBJECT VEHICLE described in Attachment A for the items listed in Attachment B and
18 the seizure and examination of any such items found.

19 **Request for Sealing**

20 21. It is respectfully requested that the Court issue an order sealing, until further
21 order of the Court, all papers submitted in support of the requested search warrant, including
22 the application, this affidavit, the attachments, and the requested search warrant. I believe
23 that sealing these documents is necessary because the information to be seized is relevant to
24 an ongoing investigation, and any disclosure of the information at this time may cause flight
25 from prosecution, cause destruction of or tampering with evidence, cause intimidation of
26 potential witnesses, or otherwise seriously jeopardize an investigation. Premature disclosure
27
28

1 of the contents of the application, this affidavit, the attachments, and the requested search
2 warrant may adversely affect the integrity of the investigation.

3
4 Dated this 23rd day of October, 2017.

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7 ISABEL SCHARN, Affiant
8 Special Agent, FBI

9 The above-named agent provided a sworn statement attesting to the truth of the
10 contents of the foregoing affidavit on 23rd day of October, 2017.

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13 J. RICHARD CREATURA
14 United States Magistrate Judge
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ATTACHMENT A

Description of Property to be Searched

A 1997 Dodge Caravan, bearing Oregon License Plate XGG002, VIN #
1B4GP44ROVB455157, which is currently located at Chuck's Towing, 2990 E Street,
Washougal, Washington, 98671.



ATTACHMENT B
ITEMS TO BE SEIZED

The items to be searched for, seized, and examined, are those items inside a 1997 Dodge Caravan, bearing Oregon License Plate XGG002, VIN # 1B4GP44ROVB455157, which is currently located at Chuck's Towing, 2990 E Street, Washougal Washington, 98671, referenced in Attachment A, that contain evidence, contraband, fruits, and instrumentalities of violations of Title 18, United States Code, § 2113(a) Bank Robbery.

The items referenced above to be searched for, seized, and examined are as follows:

- a. Cash;
- b. A phone case or other receptical;
- c. Clothing;
- d. Evidence of association with co-conspirators, to include address books, photographs, and documents such as telephone records and bills establishing associations with others involved in the offenses listed above.
- e. Cell Phones: Cellular telephones and other communications devices including smartphones (i.e., iPhones, Android phones, and the like) may be seized, and searched for the following items:
 - i. Assigned number and identifying telephone serial number (ESN, MIN, IMSI, or IMEI);
 - ii. Stored list of recent received, sent, or missed calls;
 - iii. Stored contact information;
 - iv. Photographs related to violations of Title 18, United States Code, § 2113(a) Bank Robbery or photographs that may show the user of the phone and/or co-conspirators, including any embedded GPS data associated with these photographs; and

1 v. Stored text messages related to violations of Title 18, United
2 States Code, § 2113(a) Bank Robbery including Apple iMessages, Blackberry
3 Messenger messages, Snapchat and WhatsApp, or other similar messaging
4 services where the data is stored on the telephone.
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